JL- Guinn's HSCA testimony HW 9/8/78

Before there can be more interruptions a few hasty comments because of possible 225 importances.

I regard Guinn's as the most significant and influential committee testimony to date, unequivocal in important areas and in this sense sui generis.

Because of this I begin with explicitness- his testimony in some respects was of deliberate dishonesty. In this I am saying less than that he lied but in a sense worse, that he used special formulations to circumvent lying and thus accomplished the same wrongful purpose. If true this bears heavily on the rest of what he said.

Even though the dishonesty was not related to his quotation of his results or their meaning.

He knows it is not true that Nichols got the NAA raw material from the FBI under FOIA, and so does the committee. He knows that I got it and that Nichols later got it on my back. He knows also that the FBI did NAA work on JFK evidence prior to the May 1964 date to which he testified.

He knows these things from me and from a consultancy for which he was paid by the National Enquirer. He knows of the lawsuit, for example, too. He examined the results of the NAAs on the paraffin casts for the Enquirer.

Yet he repeated these untruths several times, without once indicating the truth of which he knew.

He was less than truthfull about his knowledge of FBI interest in NAAs. On discovery we got a copy of Gallagher's memo on Guinn's 1/64 call to him from I think Chicago and on this.

There may be more but I'm hurrying. I made some notes as he testified.

He testified to what I told you long ago, that copper is a superior substance to test on bullets. I ~~HW~~ gave you a copy of the article he did on this on his work on it funded by DJ, along with a copy of similar work done for the Canadian counterpart of DJ. Yet he made no copper examinations for the committee and said they asked him to limit himself to the core, known to be more equivocal and to have greater compositional variations. As an expert he failed to do what his own work required that he do for definitiveness. He even said that Q3 was all copper, and thus he could not use it in his lead work!

He said that the comparison same for Q8 came from Connally's wrist. Maybe it did but he had no way of knowing this. If we apply normal legal stedards, and he is qualified as an expert, there not only is no proof and no basis for his so testifying without any qualification, but extreme as it may appear there is another alternative - that there was a substitution.

Now I'm not saying there was. But is is possible and from the 399 base. remember, Frazier never told the Commission that he had taken a sample from the base. Remember, the Archives would not weigh 399 for me so I could know its present weight and the weight of what Frazier removed. What happened to the sample he removed, a large sample in either spectro or NAA terms? Where is it? What is its present weight? (Remember, I asked you to question Frazier on deposition about weight.) Given the FBI's problems and what we have learned about it since, a substitution is not impossible, especially when we recall the history of the know of the tie.

I am aware that this may seem extreme. Time was when I thought the FBI's destruction of the knot of the tie evidence would have been impossible. But it happened. So did much else.

Can you believe that the FBI's physicists are so stupid or unlearned that they

cpuld not make the same evaluation of variations that Guinn did? Can you believe they did not make any careful analysis of the results Gallagher brought back? Of that having done so they would not have been aware of the importance in giving them the kind of proof they totally lacked? If the FBI was aware of the singificance of these results then there is another explanation of keeping them secret. The most likely is an unwillingness to have the work evaluated independently or duplicated independently.

On the other side of this there is the typical FBI paranoia about secrecy and control. Even though Gallagher had never done it before he did the calculating- he alone- when there were experts, which he was not, exactly where he was, at Oak Ridge. But I am not assuming that Gallagher, if he is a physicist, is the only one the FBI has in the unit that used to have physics in its title. I believe his work was gone over by others. I believe the depositoon evidence is that there were three men on each thing. Can you believe that all three would have missed this, not made any kind of analysis? Of this we received not a single scrap of paper, not even Gallagher's.

The curbstone is fascinating, again illustrating what I wrote you last night about the dishonesty of prosecutor-type expert witnesses. Guinn did not testify to any examination of the curbstone or any comparison of it in existing pictures. He said merely that there was only a smear and that the FBI had scraped most if it off so that he had an inadwquate sample. When he also said that 10 mg is a good sample we have a 3/4 by 1" sample of which nothing remains, toos. But the significant of the curbstone is that it is not as it was at the time of the crime, which adds importance to the Pemberling record I got from DPO files and gave you, that its appearance had changed. If as appears to have happened, the curbstone was patched, Guinn not only did not test the point of impact- he could not.

Whether or not you realizd this I am enforsing the importance of the American system of justice, as you may have forgotten I also (alone) did in WW. No lawyer includied this in any writingof which I know. If in subsequent experiences I've been dismayed over the abuses of it, I know of no better system even now. So it is merely because in all official proceedings the proper and normal concepts and practises have not been followed that we have questions remaining and still need what is withheld.

Remember, the only spectro plate that is missing is of the curbstone.

There are the same kinds of problems with today's other experts, on ballistics, the same essential questions not asked, the same evasiveness and incomplete if not unsatisfactory explanations, as with their not using the clip in their own tests. (Avoided having to testify to the commonplace, misfiring, as the CBS tests proved.)

Of course Guinn was also sitting in judgement on his old friend, Gallagher. Policoff's baseless error, that Guinn had worked for the Commission, gave the committee its way of putting all down and bypassing the actuality. He did not check this with me, by the way. I think he checked nothing. There are other errors.

One of my reasons for going into these things now is the possibility of the influence of the TV broadcast on the judges in the appeal and their clerks. You had better be prepared with responses, esp. if DJ uses this. Or does this account for their request for more time of which you told me this morning?

If I did not say it above, Guinn said his first knowledge of the fact that there had been NAAs waas 1973-4, through Nichols and the letter I had used earlier and PH perhaps earlier still. But he had some inkling when he spoke to Gallager in 1/64.

And as you pointed out when we spoke, there is no Q15 to kilty around any more. But the committee had no question about its total disappearance.